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REMARKS

Claims 11-30 are pending in the present Application. Claims 11, 15, 16, 19, 20, 21, 27, 28, and 30 have been amended, leaving Claims 11-30 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the Claims are respectfully requested in view of the above amendments and the following remarks.

Amended Claims

Claims 11, 27 and 30 have been amended to better define the invention. In particular, these claims have been amended by the removal of "polysulfide" and by the inclusion of the phrase "wherein the weight percents are based on the total weight of the composition".

Support for the inclusion of the phrase "wherein the weight percents are based on the total weight of the composition" can be found on page 1 of the application as presently filed.

Claim 15 has been amended to provide for the proper antecedent basis.

Claims 16, 19, 20, and 21 have been amended to correct for an inadvertent typographical error. The claims have been amended to include the proper spelling for the term "fiber".

Claim 28 has been amended to remove the phrase "further comprising" which was inadvertently repeated twice.

The amendment to Claims 15, 16, 19, 20, 21 and 28 were not made to overcome any cited references.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 28 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. (Office Action dated 07/08/2005, page 2)

In particular, the Examiner has stated "Claim 28, line 1 'further comprising' is repeated." (Office Action dated 07/08/2005, page 2)

The term "further comprising" has been deleted from Claim 28. Applicants

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respectfully submit that Claim 28, as presently amended, meets the requirements of 35 U.S.C. § 112, second paragraph. Applicants therefore respectfully request a withdrawal of the § 112 rejection.

Claims 28 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. (Office Action dated 07/08/2005, page 2)

In particular, the Examiner has stated that "[c]omponents of Claim 28 are redundant in that the claims are indefinite in their definition of component A when the component consists of one or more copolymerized polyesters having polyalkylene terephthalate and polyalkylene terephthalate as principal components." (Office Action dated 07/08/2005, page 2)

Applicants submit that Claim 28 does not discuss polyalkylene terephthalate. Applicants have noted that the error pointed out by the Examiner is actually directed to Claim 15. Applicants have amended Claim 15 to be dependent from Claim 13, thereby clarifying Claim 15. Applicants respectfully submit that Claim 15, as amended, meets the requirements of 35 U.S.C. § 112, second paragraph. Applicants therefore respectfully request a withdrawal of the § 112, second paragraph rejection.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 11-30 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over EP 0418719 in view of U.S. Patent No. 5,856,403 to Senga (hereinafter Senga). (Office Action dated 07/08/2005, page 2)

In making the rejection, the Examiner stated that

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine polyarylene sulphide and polyether imide resins in conjunction with a fibrous and non-fibrous filler with the expectation of achieving appreciable properties in mechanical strength, dimensional precision and good electrical characteristics absent a clear showing of unexpected results attributable to the combination of fillers employed. It would have also been obvious to select the most appropriate physical proportions

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for both fibrous and non-fibrous fillers, including length and diameter to derive the most beneficial results.

(Office Action dated 07/08/2005, page 4) Applicants respectfully traverse this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

The invention as presently amended is directed to a composition comprising (a) polyetherimide, (b) a thermoplastic resin selected from the group consisting of polyphenylene ether, polyester, polycarbonate, polyester carbonate, polyamide, polyolefin, and polyether, (c) a fibrous type reinforced filler, and (d) a non-fibrous inorganic filler. (Claim 1)

EP 0418719 teaches a thermoplastic molding composition comprising 10-94 wt% polyaryletherketone, polyarylene sulphide, polyether imide or mixtures of thereof, 0-80 wt% polyarylethersulphone, 3-40 wt% glass fiber and 3-25 wt% of an alkaline earth metal carbonate salt. (Page 2) EP 0418719 does not teach the use of a nonfibrous inorganic filler. EP 0418719 further does not teach a thermoplastic resin selected from the group consisting of polyphenylene ether, polyester, polycarbonate, polyester carbonate, polyamide, polyolefin, or polyether.

Senga teaches a process for manufacturing a polyarylene sulphide copolymer resin with an elastomer dispersed throughout the resin matrix. (col. 1, line 46 through col. 1, line 55) The process comprises first reacting a polyarylene sulphide resin with an amination agent in a non-protonic organic solvent. (col. 1, line 46 through col. 1, line 55) The process further comprises copolymerizing the resulting amino polyarylene sulphide resin with a reactive

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elastomer in a non-protonic organic solvent. (col. 1, line 46 through col. 1, line 55)

Furthermore, Senga discloses that the polyarylene sulphide copolymer resin can be blended with organic or inorganic filler material. (col. 2, line 5 through col. 2, line 7) The filler may either be in the form of a fiber or may have a non-fibrous form. (col. 6, line 11 through col. 6, line 65) While Senga does teach the use of non-fibrous fillers, it too does not teach the use of thermoplastic resins selected from the group consisting of polyphenylene ether, polyester, polycarbonate, polyester carbonate, polyamide, polyolefin, or polyether.

Senga therefore does not make up for the deficiency of EP0418719 and the combination of EP 0418719 with Senga does not teach all elements of the claimed invention.

Additionally, there is no motivation for one of ordinary skill in the art to combine references in the manner made by the Examiner. In the first instance, since neither EP0418791 nor Senga teaches all elements of the claimed invention, there is no motivation for one of ordinary skill in the art to combine references.

In addition, EP 0418719 teaches a melt blend composition wherein various thermoplastic resins are melt blended together to form the composition. Senga, on the other hand, teaches manufacturing a copolymer using an amination agent in a non-protonic solvent. One of ordinary skill in the art would not seek to combine elements from reference that teaches melt blending with elements from another reference is directed at solution copolymerization of polyarylene sulfide with an elastomer.

One of ordinary skill in the art would be generally aware that melt blending is conducted in order to avoid the use of organic solvents that are generally environmentally hazardous. Thus one of ordinary skill in the art desirous of melt blending two components would not seek to combine a reference that teaches melt blending with a second reference that teaches copolymerization in a solvent, since the use of a solvent to accomplish melt blending is generally undesirable.

Thus, in summary, since the combination of EP 0418719 with Senga does not teach all of the claimed elements of the claimed invention and further since there is no motivation to combine references, Applicants believe that the Examiner has not made a *prima facie* case of

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obviousness. Applicants respectfully request a withdrawal of the § 103 rejection over EP0418719 in view of Senga and an allowance of the claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-2341.

Respectfully submitted,

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